
HOUSE BILL 1226

State of Washington

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By Representatives O'Brien, Ballasiotes, Cody, Keiser, Wood, Dickerson, Kirby, Kagi, Kenney, McIntire, Schual-Berke, Edwards, Darneille and Edmonds

Read first time 01/22/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to prohibiting firearms and other dangerous
2 weapons on the premises of preschools and day-care facilities; and
3 amending RCW 9.41.280.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9.41.280 and 1999 c 167 s 1 are each amended to read
6 as follows:

7 (1) It is unlawful for a person to carry onto, or to possess
8 on, public or private elementary or secondary school premises,
9 school-provided transportation, ~~((or))~~ areas of facilities while
10 being used exclusively by public or private schools, or the
11 premises of public or private preschools or day-care facilities:

12 (a) Any firearm;

13 (b) Any other dangerous weapon as defined in RCW 9.41.250;

14 (c) Any device commonly known as "nun-chu-ka sticks",
15 consisting of two or more lengths of wood, metal, plastic, or
16 similar substance connected with wire, rope, or other means;

17 (d) Any device, commonly known as "throwing stars", which are
18 multi-pointed, metal objects designed to embed upon impact from

1 any aspect; or

2 (e) Any air gun, including any air pistol or air rifle,
3 designed to propel a BB, pellet, or other projectile by the
4 discharge of compressed air, carbon dioxide, or other gas.

5 (2) Any such person violating subsection (1) of this section is
6 guilty of a gross misdemeanor. If any person is convicted of a
7 violation of subsection (1)(a) of this section, the person shall
8 have his or her concealed pistol license, if any revoked for a
9 period of three years. Anyone convicted under this subsection is
10 prohibited from applying for a concealed pistol license for a
11 period of three years. The court shall send notice of the
12 revocation to the department of licensing, and the city, town, or
13 county which issued the license.

14 Any violation of subsection (1) of this section by elementary
15 or secondary school students constitutes grounds for expulsion
16 from the state's public schools in accordance with RCW
17 28A.600.010. An appropriate school authority shall promptly notify
18 law enforcement and the student's parent or guardian regarding any
19 allegation or indication of such violation.

20 Upon the arrest of a person at least twelve years of age and
21 not more than twenty-one years of age for violating subsection
22 (1)(a) of this section, the person shall be detained or confined
23 in a juvenile or adult facility for up to seventy-two hours. The
24 person shall not be released within the seventy-two hours until
25 after the person has been examined and evaluated by the county-
26 designated mental health professional unless the court in its
27 discretion releases the person sooner after a determination
28 regarding probable cause or on probation bond or bail.

29 Within twenty-four hours of the arrest, the arresting law
30 enforcement agency shall refer the person to the county-designated
31 mental health professional for examination and evaluation under
32 chapter 71.05 or 71.34 RCW and inform a parent or guardian of the
33 person of the arrest, detention, and examination. The county-
34 designated mental health professional shall examine and evaluate
35 the person subject to the provisions of chapter 71.05 or 71.34
36 RCW. The examination shall occur at the facility in which the
37 person is detained or confined. If the person has been released on

1 probation, bond, or bail, the examination shall occur wherever is
2 appropriate.

3 The county-designated mental health professional may determine
4 whether to refer the person to the county-designated chemical
5 dependency specialist for examination and evaluation in accordance
6 with chapter 70.96A RCW. The county-designated chemical dependency
7 specialist shall examine the person subject to the provisions of
8 chapter 70.96A RCW. The examination shall occur at the facility in
9 which the person is detained or confined. If the person has been
10 released on probation, bond, or bail, the examination shall occur
11 wherever is appropriate.

12 Upon completion of any examination by the county-designated
13 mental health professional or the county-designated chemical
14 dependency specialist, the results of the examination shall be
15 sent to the court, and the court shall consider those results in
16 making any determination about the person.

17 The county-designated mental health professional and county-
18 designated chemical dependency specialist shall, to the extent
19 permitted by law, notify a parent or guardian of the person that
20 an examination and evaluation has taken place and the results of
21 the examination. Nothing in this subsection prohibits the delivery
22 of additional, appropriate mental health examinations to the
23 person while the person is detained or confined.

24 If the county-designated mental health professional determines
25 it is appropriate, the county-designated mental health
26 professional may refer the person to the local regional support
27 network for follow-up services or the department of social and
28 health services or other community providers for other services to
29 the family and individual.

30 (3) Subsection (1) of this section does not apply to:

31 (a) Any student or employee of a private military academy when
32 on the property of the academy;

33 (b) Any person engaged in military, law enforcement, or school
34 district security activities;

35 (c) Any person who is involved in a convention, showing,
36 demonstration, lecture, or firearms safety course authorized by
37 school authorities in which the firearms of collectors or
38 instructors are handled or displayed;

1 (d) Any person while the person is participating in a firearms
2 or air gun competition approved by the school or school district;

3 (e) Any person in possession of a pistol who has been issued a
4 license under RCW 9.41.070, or is exempt from the licensing
5 requirement by RCW 9.41.060, while picking up or dropping off a
6 student;

7 (f) Any nonstudent at least eighteen years of age legally in
8 possession of a firearm or dangerous weapon that is secured within
9 an attended vehicle or concealed from view within a locked
10 unattended vehicle while conducting legitimate business at the
11 school;

12 (g) Any nonstudent at least eighteen years of age who is in
13 lawful possession of an unloaded firearm, secured in a vehicle
14 while conducting legitimate business at the school; or

15 (h) Any law enforcement officer of the federal, state, or local
16 government agency.

17 (4) Subsections (1)(c) and (d) of this section do not apply to
18 any person who possesses nun-chu-ka sticks, throwing stars, or
19 other dangerous weapons to be used in martial arts classes
20 authorized to be conducted on the school premises.

21 (5) Except as provided in subsection (3)(b), (c), (f), and (h)
22 of this section, firearms are not permitted in a public or private
23 school building.

24 (6) "GUN-FREE ZONE" signs shall be posted around school
25 facilities giving warning of the prohibition of the possession of
26 firearms on school grounds.

27 (7) For the purposes of this section, "day-care facility" means
28 a child day-care center or a family day-care provider licensed
29 under chapter 74.15 RCW.

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